COURT FEE ONE RUPEE CANCELLED COURT FEE TEN RUPEES

(03)

IN THE HIGH COURT OF JUDICATURE CHHATTISGARH AT BILASPUR

C.R.NO. 147 /2003

Single Bench

APPLICANT
DEFENDANT : Joshiram S/o Baishakhu,
Aged about 40 years,
Occupation:Agriculturist,
R/o Village Hadmudi,
Tahsil Navagarh,Distt.Durg (CG).

VERSUS

NON-APPLICANTS
PLAINTIFFS : 1) Mahesh S/o Bisauha,
Aged about 40 years;

2) Naresh S/o Bisauha,
Aged about 35 years;

3) Maheshiya Bai D/o Bisauha,
Aged about 30 years

(Non-applicants 1 to 3 are the legal representatives of the deceased plaintiff of Ram Bai, though in the impugned order the name of deceased plaintiff Budhiyarin Bai & Ram Bai has been mentioned but for filing the present revision, they are not the necessary parties henee not impleaded)

All resident of village Gatapara, Navagarh,Tahsi:Navagarh, District Durg (CG).

4) Durjan S/o Mohan Sahu,
Aged about 55 years;

5) Mant Ram S/o Dukalha,
Aged about 40 years

Non-applicants 4 to 5 are resident of village Harmudi, Tahsil Navagarh,Distt. Durg(CG)

P. R. No. 926/03
Presented by Shri Deepak Jain
dated 21.04.03

21.4.03

CIVIL REVISION UNDER SECTION 115 OF THE CODE OF CIVIL PROCEDURE

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक C.R-147/03 **सन्** ~~200~~

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..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

21.03.2005: -

Shri Bharat Rajput, learned counsel for the applicant.

The instant revision is directed against the impugned order dated 21.03.2003 passed in Misc.Appeal No. 04/1992 by IInd Addl. District Judge, Bemetara (Fast Track Court) and by which the appeal of the applicant against the rejection of application under Order 9 Rule 13 before the trial Court was dismissed.

However, learned counsel for the applicant seeks to withdraw this revision with liberty to file appropriate proceedings available under the law ,on the ground that the instant revision is not maintainable in view of the amended proviso to Section 115 of the C.P.C. and the law laid down by the Apex Court in the matter of ***Surya Devi Rai Vs.Ram Chander Rai and Others*** reported in ***(2003)6 SCC 675*** as well as in the case of ***Shiv Shakti Coop. Housing Society, Nagpur Vs. Swaraj Developers and Others*** reported in ***(2003) 6 SCC 659.***

Accordingly, the instant revision is dismissed as withdrawn with liberty as prayed for.

Sd/-
DHIRENDRA MISHRA
Judge

(पीछे देखिये)